

## MINUTES

### **WARRICK COUNTY AREA PLAN COMMISSION**

Regular meeting held in Commissioners Meeting Room,  
Third Floor, Historic Court House,  
Boonville, IN  
Monday, October 10, 2016 6:00 PM

**PLEDGE OF ALLEGIANCE:** A moment of silence was held followed by the Pledge of Allegiance.

**MEMBERS PRESENT:** Guy Gentry, President; Bill Byers, Doris Horn, Brad Overton, Richard Reid and Jeff Willis.

Also present were Morrie Doll, Attorney, Sherri Rector, Executive Director and Molly Barnhill, Staff.

**MEMBERS ABSENT:** Amanda Mosiman

Roll call was taken with a quorum declared present.

**MINUTES:** Upon a motion by Doris Horn and seconded by Brad Overton the Minutes of the last regular meeting held September 12, 2016 were approved as circulated.

The President explained the Rules of Procedure to the audience.

### **REZONING PETITION:**

**PC-R-16-09 – Petition of Spring Haven, LLC by John Elpers, Mgr. OWNER: Same** To rezone 2.287 acres located on the S side of Vann Rd. approximately 259' E of the intersection formed by Bell Rd. & Vann Rd. Ohio Twp. from "A" Agriculture to "R-1" One Family Dwelling. *Complete legal on file. Advertised in the Standard September 29, 2016.*

John Elpers and Scott Buedel with Cash Waggoner and Associates were present.

The President called for a staff report.

Mrs. Rector stated they have all the return receipts from certified mail to all of the adjacent property owners. She said the lot size is 2.287 acres and the "R-1" zoning has a minimum lot size of 6,000 square feet with 60' minimum width at the building line. She said the Comprehensive Plan projects the area to be moderate to high density residential. She said the existing land use is a vacant field. She stated the surrounding zoning and land use is the property to the south and east is zoned "R-1" and is projected to be a residential subdivision. She said the properties to the north are zoned Agricultural with a farm field and "R-1" being Kingston Manor Subdivision and the property to the west is zoned Agricultural with a farm field. She said there is no flood plain and this property fronts Vann Road and the rest of the property has access to Bell Road. She said this property is to be part of a residential subdivision along with the property to the east and south. She said the primary plat has been filed and will be coming before the Board next month and the application is in order. She said a few months ago Greg Moore appeared before the Board about rezoning the property to the south and east which was approved for the "R-1"

zoning. She said he did not go through with the option of buying that property; Mr. Elpers bought that property and wants to add this to it so it has the same zoning as the rest of the subdivision.

Richard Reid asked how many lots will be in the subdivision.

Scott Buedel said with the adjacent property that was recently rezoned there are 51 lots with two outlots.

Richard Reid asked what the size of the lot will be.

Scott Buedel said they are going with the 60' frontage and the depth, the reason they acquired the additional property is to layout the property a little bit better so they will be at least 125' deep. He said they are trying to get a little bit more back yard on them.

Being no further questions from the Board and no remonstrators present the President called for a motion.

Richard Reid made a motion to give PC-R-16-09 a positive recommendation to the County Commissioners. Doris Horn seconded the motion and it was unanimously carried.

#### **SUBDIVISION FOR PRIMARY PLAT APPROVAL:**

**PP-16-15 – Amended Plat of Lot 10 in the Corrected Plat of Sunrise Manor Amended Plat of Acacia Residential Development recorded in Doc. # 2000R-008504 in the Office of the Warrick Co. Recorder** by Jonathan Alstatt. 0.25 acres located on the W side of Elizabeth Lane approximately 0' N of the intersection formed by Elizabeth Lane & Camp Brosend Rd., Ohio Twp. *Advertised in the Standard September 29, 2016.*

Mrs. Rector stated when this plat was turned in the engineer had turned it in with a 6' public utility easement, they are trying to expand the building envelope which was previously approved on a plat, well the public utility easement is 12' not 6' so they are filing to vacate a portion of that easement and had to continue the primary plat.

The President called for a motion to table the primary plat until the November APC meeting.

Richard Reid made a motion to table PP-16-15 until the November 14, 2016 Area Planning Commission meeting. The motion was seconded by Brad Overton and unanimously carried.

#### **AMENDING ORDINANCES TO THE COMPREHENSIVE ZONING ORDINANCE:**

**AN ORDINANCE TO AMEND ARTICLE IV PROVISIONS BY AMENDING SUBSECTION 3 TIME LIMIT OF THE COMPREHENSIVE ZONING ORDINANCE IF EFFECT FOR WARRICK COUNTY, INDIANA.** *Advertised in the Standard September 29, 2016.*

**AN ORDINANCE TO AMEND ARTICLE V SPECIAL USES SECTION 6 DISCONTINUANCE OF SPECIAL USE SUBSECTION A OF THE COMPREHENSIVE ZONING ORDINANCE IN EFFECT FOR WARRICK COUNTY, INDIANA.** *Advertised in the Standard September 29, 2016.*

Mrs. Rector stated the first one is to remove Special Use and Variance from the time limit. She said the purpose of the second ordinance is to allow a Special Use to request a longer time period to become established instead of within 6 months.

Attorney Doll said we are finding that we get a lot of requests for additional time.

Mrs. Rector said with the big projects like schools and hospitals and everything that requires a special use; they need more time.

Bill Byers asked if the amendment was for a longer amount of time or for a certain period.

Attorney Doll said the Special Use would have a year and if it has not commenced it would be null and void. He said the Special Use shall be completely established within one year of the date of approval unless an extension is granted by Sherri's office.

Mrs. Rector said it was the Special Use shall be completely established within one year from the date of approval unless a written request...and that is where it basically stopped. She said now it is unless a request for a longer period is submitted and made a part of the application and approved by the Board.

Attorney Doll said so at the time they approved the Special Use they will also approve a time for it to be applicable. He said so that way they quiz the applicant, how long will it take to do this, and make them match what reality is on the project. He said and on the other one...

Mrs. Rector said it already has in the ordinance that a Variance expires in 6 months unless she gives approval, and also in Improvement Location Permits it is in there so we are just cleaning that up.

Richard Reid made a motion to give a positive recommendation to the County Commissioners to amend article IV section 3 of the Comprehensive Zoning Ordinance. Brad Overton seconded the motion and it was unanimously carried.

Doris Horn made a motion to give a positive recommendation to the County Commissioners to amend article V section 6 of the Comprehensive Zoning Ordinance. Richard Reid seconded the motion and it was unanimously carried.

### **OTHER BUSINESS:**

Wyngate "A" ~ Sidewalk waiver request. *Con't from last regular meeting held September 12, 2016.*

Bruce Miller was present.

Mrs. Rector said at the last meeting the Board ruled that Mr. Miller needed to notify everybody in that section of the subdivision certified with return receipts of the request to waive the sidewalks in this area. She said he has done so and we have all of the return receipts except for two but we do have copies of the white receipts; they were mailed correctly and on time. She said they have in their packets the request to waive and a drawing showing the location. She said she has also talked to Bobby Howard, the County Engineer and he has no objection.

The President said at the last meeting they understood it and they were okay but there were some sections that were totally without, like going out to the boulevard, so they felt like it was a significant enough change that the owners in that subdivision needed to be notified.

Bruce Miller said he should have done that before he came to the Commissioners.

Jeff Willis asked if on the west side of the southern street, to get out to the boulevard, would it be possible to put a sidewalk there.

Attorney Doll asked if he meant out to 261.

Jeff Willis said the double lane entrance.

Attorney Doll said the double lane entrance is what everybody is referring to as the boulevard for the record. He asked if Jeff Willis was asking if the sidewalk would go all the way out to 261.

Jeff Willis said just to the boulevard itself.

Mrs. Rector asked if Mr. Miller has to put a sidewalk in there or was that waived.

Bruce Miller stated that is going to have a sidewalk there. He said by ordinance you have to have a sidewalk on at least one side of the street and that is the only place in the subdivision that does not have a sidewalk on either side right now but it will. He said that is Mr. Robby Kent's property and he has authorized them to put a public sidewalk across his property to be able to loop the sidewalk around on at least one side of the street.

Attorney Doll asked if he would be putting a sidewalk down to 261.

Bruce Miller said that would have to go down on lot 39 which is the other side of the boulevard on the north side.

Attorney Doll said there will be a public sidewalk that goes all the way to 261.

Bruce Miller said that is correct.

Attorney Doll asked if there were bus pickups here.

The President said it is out on 261.

Attorney Doll said that is what he was thinking, that kids live in the neighborhood.

The President said they pick up two in that neighborhood right now; there may be more going but that is all that rides the bus because he drove it last week.

The President asked for remonstrators for or against the project.

Ray Graham approached the podium. He stated he lives at 8051 Wyngate Circle. He said he has been president of Wyngate Homeowners Association for several years and they have been working with the developer here and they are in favor of his requests and they ask that they approve it.

Richard Reid made a motion to approve the Wyngate A sidewalk request. The motion was seconded by Jeff Willis. Guy Gentry, Doris Horn, and Brad Overton approved the motion and it was carried. Bill Byers abstained.

#### **ATTORNEY BUSINESS:**

Nothing to report.

**EXECUTIVE DIRECTOR BUSINESS:**

Nothing to report.

Richard Reid made a motion to adjourn the meeting. The motion was seconded by Doris Horn and unanimously carried. The meeting ended at 6:17 p.m..

---

Guy Gentry, President

ATTEST:

---

Sherri Rector, Executive Director